

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

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DARRELL L. DEEM, et. al.,

Case No. 2:15cv755 DS

Plaintiff,

SCHEDULING

vs.

ORDER

TRACEY BARON, et. al.,

Defendants.

* * * * *

Pursuant to Fed. R. Civ. P. 16(b), the Stipulated Scheduling Order filed by counsel, and good cause appearing,

IT IS HEREBY ORDERED:

The times and deadlines set forth in the Stipulated Scheduling Order, filed with the court, are adopted by the court and incorporated herein by reference. The final pretrial conference will be held on July 2, 2018 at 2:30 p.m. The 5-day Jury Trial will be held on July 16, 2018 at 8:30 a.m.

DATED this 14th day of December, 2017.

BY THE COURT:



DAVID SAM
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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UNITED STATES DISTRICT COURT
STATE OF UTAH, CENTRAL DIVISION

Darrell L. Deem, et al., Plaintiffs, v. Tracey Baron, et al., Defendants.	STIPULATED SCHEDULING ORDER Case No. 2:15-CV-755-DS Before the Hon. David Sam
And Related Action	

The parties having met and a scheduling hearing having be held and GOOD CAUSE
APPEARING,

IT IS HEREBY ORDERED that the following matters are scheduled. The times and
deadlines set forth herein may not be modified without the approval of the Court and on a
showing of good cause. All times expire at 4:30 p.m. unless otherwise indicated.

1. PRELIMINARY MATTERS:

Scheduling Order, Page 1

a. The Initial Disclosures from both parties are due 30 days following the Rule 26 Conference which was held on November 22, 2017.

b. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. DISCOVERY PLAN: The parties jointly propose to the court the following discovery plan:

a. Discovery is necessary on the following subjects: Contracts, Financing, Accounting, Real Estate holdings, Licensing, Fraud and Damages.

b. Discovery Phases.

No unusual phases will be needed. Plaintiffs wish to accelerate the entire discovery process as much as possible. For this reason the parties have not agreed on a discovery plan.

The parties have agreed, however, that discovery may commence immediately. They have also agreed that the deposition of Darrell Deem shall take place at the offices of Cannon Law Associates in Sandy, Utah, on January 11, 2018 beginning at 9:00 a.m. Said deposition may be video recorded at Plaintiff's expense. It is anticipated that various requests for documents will be propounded in advance of said deposition and that responses will likely be received in advance of said deposition though such is not a prerequisite to conducting the deposition.

c. Designate the discovery methods to be used and the limitations to be imposed.

(1) For oral exam depositions shall be conducted as per Rule 30. Oral Exam

Depositions shall be limited to 10 per party. Days and hours as per Rule 30(a)(2)(A)(i).

(2) For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party.

Interrogatories: Limit 100 with subparts.

Admissions: Limit 100 with subparts.

Requests for production of documents: No limitation.

(3) Other discovery methods: None.

d. Discovery of electronically stored information should be handled as follows: Such shall be provided either through email, on disk or flash drive, and in one of the following formats: word, wordperfect, pdf, excel, or quickbooks unless otherwise agreed in writing signed by counsel.

e. The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: All claims of privilege, work product and evidentiary objections are preserved until trial without the need for other notice or objection.

f. Last day to file written discovery: 3/1/2018

g. Close of fact discovery: 4/1/2018

h. Final date for supplementation of disclosures under Rule 26 (a)(3) and of discovery under Rule 26 (e): 4/10/2018

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:

a. The cutoff dates for filing a motion to amend pleadings are:

Plaintiffs 2/1/2018 Defendants 2/10/2018

b. The cutoff dates for filing a motion to join additional parties are:

Plaintiffs 2/15/2018 Defendants 2/20/2018

(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed.R.Civ.P. 15(a)).

4. EXPERT REPORTS:

Reports from experts under Rule 26(a)(2) will be submitted on:

Parties bearing burden of proof: 4/15/2018; Response: 4/30/2018

5. OTHER DEADLINES:

a. Expert Discovery cutoff: 5/15/2018

b. Deadline for filing dispositive or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case: 5/1/2018

6. ADR/SETTLEMENT: No settlement prospects at this time.

a. The potential for resolution before trial is: Poor.

b. This case should not be referred to the court's alternative dispute resolution program for arbitration or mediation.

c. The parties are open to ADR so long as it does not interfere with the case progress.

d. The parties will re-evaluate the case for settlement/ADR resolution if circumstances change.

7. TRIAL AND PREPARATION FOR TRIAL:

a. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than 14 days provided by Rule).

b. This case should be ready for trial by: 7/1/2018

Specify type of trial: Plaintiffs: Bench Defendants: Jury

c. The estimated length of the trial is: 5 days.

/s/ Steven W. Shaw
Steven W. Shaw, for Plaintiffs

Date: November 30, 2017

Brian Steffensen, for Defendants

Date: